

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Bradley William Turck
Ashley Michelle Turck

Chapter 7
Case No. 19-50601

Debtors.

NOTICE OF HEARING AND MOTION TO COMPEL
TURNOVER OF ESTATE PROPERTY

TO: The debtor(s) and other entities specified in Local Rule 9013-3

1. Erik A. Ahlgren, the Trustee of the bankruptcy estate of the above-named debtor, moves the court for the relief requested below and gives notice of hearing.
2. The court will hold a hearing on this motion at 9:30 a.m. on January 13, 2020, Courtroom 2, U.S. Courthouse, 515 W First Street, Duluth, Minnesota, or as soon thereafter as counsel may be heard.
3. Any response to this motion must be filed and served by delivery or mail not later than Wednesday, January 8, 2020, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bank. P. 5005 and Local Rule 1070-1. This motion arises under 11 U.S.C. §

542 and Fed. R. Bankr. P. 4003. This motion is filed under Fed. R. Bankr. P. 9014 and Local Rules 9013-1. This proceeding is a core proceeding.

5. The petition commencing this chapter 7 case was filed on July 30, 2019. The case is now pending in this court.

6. The Debtors' statement of financial affairs describes the sale of real estate located at 1012 22nd Avenue North, St. Cloud, MN 56303, for which it is claimed they received no funds.

7. The Trustee has repeatedly requested information regarding the sale and distribution of funds, but the Debtors have failed or refused to provide the requested information.

8. The Trustee requests the turnover of all documents relating to the sale of the of real estate located at 1012 22nd Avenue North, St. Cloud, MN 56303, including but not limited to a closing statement showing funds paid and disbursed.

9. Pursuant to 11 U.S.C. §521(3)(4), the Debtor is required, among other things, to cooperate with the Trustee as necessary to enable the Trustee to perform the Trustee's duties, and to surrender to the Trustee all property of the estate and any recorded information including books, documents, records, and papers relating to property of the estate. Bankruptcy Rule 4002(4) also requires the Debtor to cooperate in the administration of the estate.

Wherefore, the Trustee, by and through the undersigned attorney, moves the court for an order of the court:

1. Directing the turnover to the Trustee, within 7 calendar days, of all documents relating to the sale of the real estate located at 1012 22nd Avenue North, St. Cloud, MN 56303, including but not limited to a closing statement showing funds paid and disbursed.
2. For such further relief as the court deems just and equitable.

Ahlgren Law Office, PLLC

Dated: December 30, 2019

/e/Erik A. Ahlgren
Attorney #191814
220 West Washington Ave, Ste 105
Fergus Falls, MN 56537
Office: 218-998-2775
Fax: 218-998-6404
erik@ahlgrenlaw.net

ATTORNEY FOR TRUSTEE

Verification.

I, Erik A. Ahlgren, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: December 30, 2019

Signed: /e/ Erik A. Ahlgren

**UNITED STATES BANKRUPTCY COURT
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Debtors.

ORDER

This matter came before the Court on the motion of Trustee Erik A. Ahlgren to compel turnover of estate property. Based upon the record before the court,

IT IS ORDERED

Within 7 calendar days from the date hereof, the Debtor shall turnover to the Trustee of all documents relating to the sale of the real estate located at 1012 22nd Avenue North, St. Cloud, MN 56303, including but not limited to a closing statement showing funds paid and disbursed.

Dated: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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UNSWORN CERTIFICATE OF SERVICE

I, Lisa Ahlgren, declare under penalty of perjury that on December 30, 2019 she caused to be served the following documents via the CM/ECF system to those parties requesting electronic notification.

1. Notice of Motion and Motion to Compel Turnover
2. Proposed Order

And by U.S. Mail to:

Bradley Turck 1539 Prairie View Lane NE Sauk Rapids MN 56379	Ashley Turck 1539 Prairie View Lane NE Sauk Rapids MN 56379
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Executed on : December 30, 2019

Signed: /e/Lisa Ahlgren
Lisa Ahlgren
220 W. Washington Ave, Ste 105
Fergus Falls, MN 56537